

TRI-J CONTRACTORS,)	AGBCA No. 2001-137-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

November 28, 2001

BEFORE HOURY, POLLACK, and VERGILIO, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arises out of Contract No. 50-9A28-0-1N35, Ripple Creek SPPA Construction, between the U. S. Department of Agriculture, Forest Service (FS), Shasta-Trinity National Forest, Willows, California, and Tri-J Contractors (Appellant) of Weaverville, California. Appellant's appeal challenged a December 12, 2000 default termination of the above contract, and a later demand by the FS for \$74,204.91 to cover the FS costs of remediation, through use of a follow-on contractor. Essentially, the FS had charged that the default was justified because Appellant had failed to prosecute the project work according to project specifications and in a diligent manner. Appellant challenged that position citing various problems including unforeseen wet conditions.

The Board docketed the appeal on March 15, 2001, having jurisdiction pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended. Thereafter, the parties filed pleadings and the appeal file and proceeded with processing the appeal. By letter dated September 28, 2001, the

parties filed with the Board a Request for Dismissal. The request stated that the disputes involved in the appeal had been settled and the parties were jointly requesting that the subject appeal be dismissed with prejudice.

DECISION

In accordance with the parties' Request for Dismissal, the appeal is dismissed with prejudice.

HOWARD A. POLLACK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
November 28, 2001